

REMARKS

Claims 1-12 are pending in this application. Of those claims, claims 2-4 and 8-12 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b).

In this Amendment, claim 1 has been amended to recite that SiO₂ is greater than 0 mol% but 80 mol% or less. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification.

Claim 1 has been amended under 35 U.S.C. §102(b) as being anticipated by Kagami.

In the statement of the rejection, the Examiner asserted that Kagami discloses fluorescent compositions identically corresponding to what is claimed. This rejection is respectfully traversed.

Applicants has amended claim 1 to clarify that a fluorescent glass contains SiO₂ (greater than 0 mol% but 80 mol% or less). It is apparent that Kagami does not disclose such a fluorescent glass because, as admitted by the Examiner, Kagami's glass does not contain SiO₂ (SiO₂ of 0 mol%), i.e., a non silica-based glass. The claimed invention is directed to a silica-based glass.

Accordingly, the above fundamental difference between the claimed invention and Kagami shows that Kagami does not identically describes a fluorescent glass including all the limitations recited in claim 1, as amended, within the meaning of 35 U.S.C. §102. Applicants, therefore, respectfully solicit withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) and favorable consideration thereof.

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kagami in view of Richardson.

This rejection is respectfully traversed. Claims 5 and 6 are patentably distinguishable over Kagami and Richardson at least because these claims respectively include all the limitations recited in independent claim 1. It is noted the Richardson does not cure the deficiency of Kagami.

Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. §103, and favorable consideration thereof.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kagami in view of Richardson, and further in view of Kasori.

This rejection is respectfully traversed. Claim 7 are patentably distinguishable over Kagami, Richardson and Kasori at least because the claim includes all the limitations recited in independent claim 1. It is noted the Richardson and Kasori do not cure the deficiency of Kagami.

Applicants, therefore, respectfully solicit withdrawal of the rejection of claim 7 under 35 U.S.C. §103, and favorable consideration thereof.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

Application No.: 10/779,860

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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